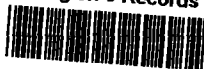




Minnesota Pollution Control Agency

EPA Region 5 Records Ctr.



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November 13, 1997

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SUPERFUND DIVISION
OFFICE OF THE DIRECTOR

Mr. William E. Muno, Director
Superfund Division
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Mr. Muno:

Enclosed is the third annual Minnesota Pollution Control Agency (MPCA) 1997 Enforcement Deferral Pilot Project (Pilot) Report. The report assesses the MPCA's success in meeting targeted site milestone dates for Fiscal Year (FY) 1997 (Tables 1A & B), provides individual site status updates and includes a schedule (Table 2) for FY 1998 site milestone dates.

The MPCA is committed to continuing this working relationship with U.S. Environmental Protection Agency Region V to demonstrate full accountability for state enforcement lead over thirteen federal sites. Although some site milestone dates were missed, the Pilot includes some complex site clean-up situations and the MPCA feels it has made good progress on remediating the Pilot sites. The results continue to serve as good justification for state authorization of the federal Superfund program in Minnesota. The MPCA looks forward to the continuation of the Pilot.

Gary Eddy will continue as the MPCA's point of contact for the Pilot. Please have your staff contact him at (612) 296-7758 if they have any questions regarding the third annual report.

Sincerely,

Richard J. Sandberg, Manager
Site Response Section
Ground Water and Solid Waste Division

RJS:ch

Enclosure

cc: J.P. Singh, U.S. Environmental Protection Agency, Remedial Response Section 5

ENFORCEMENT DEFERRAL PILOT
Minnesota Pollution Control Agency
Annual Report

Reporting Period: FY 97 October 1, 1996 - September 30, 1997

Site: Nutting Truck & Caster Co. Activity: Long-Term O & M
Location: Faribault, Minnesota Enforcement Document: Consent Order
dated September 22, 1987
Responsible Parties: The Nutting Company aka Prairie Avenue Leasing, Ltd.

MPCA Site Team:

Project Manager:	<u>Maureen Johnson</u>
Technical Analyst:	<u>Jim Lundy</u>
On-Site Inspector:	<u>Steve Schoff</u>
Public Information Officer:	<u>Galynn Nordstrom</u>
Quality Assurance Officer:	<u>Luke Charpentier</u>
Supervisor:	<u>Beth Aschinger</u>

Work Accomplished During the Reporting Period

No milestones were set for this past year for the Nutting Truck & Caster Company (Nutting) site under the Enforcement Deferral Pilot Project as agreed between the MPCA and EPA. The next milestone is the second Five-Year Review which was planned due March 31, 1999. A review of the Five-Year Review trigger point indicates the second Five-Year Review is actually due March 31, 1998, because the construction of the pump out was completed at the end of 1987. A date of March 21, 2004, is listed for the Final Close Out Report, with the understanding that these types of sites are not easily nor accurately predictable. If the MPCA staff decides the site has not met closure requirements, a new date will be recommended.

The Nutting site remedy was selected prior to the enforcement deferral pilot. The currently active part of the remedy is pump out and discharge to Crocker's Creek under a National Pollutant Discharge Elimination System permit. The MPCA staff reviews and approves the operation and maintenance reports. On January 6, 1997, the MPCA staff requested modifications to the submitted December 1996 Revised Monitoring Plan. The Nutting consultant reports that the response to the modifications requested is in the hands of the Nutting attorney because of additional cost concerns. The MPCA staff reviewed the "Second Half 1996 Report" January 23, 1997. A new MPCA staff hydrogeologist, Jim Lundy, was assigned to the Nutting site. The

MPCA staff received the "First Half 1997 Report" for the Nutting site submitted on July 28, 1997. The MPCA staff assisted EPA in CERCLIS 3 SCAP submittals, construction completion verification and Five-Year Review verification.

No direct evidence exists at this time that supports enforcement action against Nutting as a potential Responsible Party for the Faribault Municipal Well Field Contamination (Faribault) site. Review of files of potential sources in addition to the Nutting site is continuing.

The 1994 Five-Year Review recommended a determination be made about continuing remedy protectiveness for the Nutting site. Work toward this end has progressed with completion by the MPCA Preliminary Assessment/Site Inspection Unit of the Extended Site Investigation for the Faribault site and preparation by the Minnesota Department of Health (MDH) of a draft health consultation for that site. At the Nutting site, the levels of trichloroethene (TCE) in the ground water have been below the Nutting site-specific clean-up standard of 50 micrograms per liter ($\mu\text{g/l}$) TCE, although the Five-Year Review noted this is higher than the maximum contaminant level of 5 $\mu\text{g/l}$.

Problems Encountered During the Reporting Period

RP2M institutionalization at MPCA was suspended due to database transmission difficulties and the onset of CERCLIS 3.

Corrective Measures Taken or Planned

The project manager works with Delores Maxey at EPA for her input to CERCLIS 3 of requested changes.

Actions Targeted or Planned for Next Reporting Period

The second Five-Year Review is a milestone set for the coming reporting period. The MPCA and MDH staff will confirm whether or not exposures are likely to be occurring related to the Nutting site. Recommendations in the final Nutting Site Review and Update will be considered in future actions. Coordination with the Faribault site activities will continue.

Prepared by: Maureen Johnson Date: October 21, 1997
Approved by: Beth Aschinger Date: 11/13/97